

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVID RAY TONEY,	:	
	:	
Plaintiff,	:	
vs.	:	5:07-cv-262 (CAR)
	:	
DR. JULIUS BADE ODERINDE, et al.,	:	
	:	
Defendants.	:	
	:	

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is a Report and Recommendation (Doc.17) from United States Magistrate Judge Claude W. Hicks, Jr., detailing the results of a frivolity review conducted in accordance with 28 U.S.C. § 1915(e)(2). No objections have been filed within the time allowed. Nevertheless, pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly reviewed the Complaint and Recommendation. Judge Hicks concludes that Plaintiff's claims against Defendant Dr. Hall are bared by the applicable statute of limitations and recommends that Plaintiff's claims against Defendant Dr. Hall be dismissed. Judge Hicks further concludes that Plaintiff has made sufficient allegations to assert claims against the remaining Defendants. Upon reviewing the relevant documents in this case, the Court agrees with Judge Hicks' conclusion. Accordingly, the Recommendation is **ACCEPTED** and Defendant Dr. Hall is **HEREBY DISMISSED** as a defendant herein.

SO ORDERED, this 24th day of April, 2008.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

SCS/ssh

